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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,742	02/20/2004	Kevin Lee	FP10044	3610
7590	02/16/2005		EXAMINER GREEN, BRIAN	
Kevin Lee PO Box 82-144 Taipei, TAIWAN			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,742

Applicant(s)

LEE, KEVIN

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION
Drawings

The drawings are objected to because the figures fail to show numeral “31” as indicated in the specification, page 7, lines 9,12,14, and 16. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because in lines 2 and 3, “a” should apparently be placed before each of the following words “base”, “transparent”, “light”, and “transparent” in order for these lines to be read in a less awkward manner. In line 3, “provided” should apparently be “provides”. In lines 5 and 8, “light source” should apparently be “light sources”. In line 6, “wax” should apparently be “the wax”. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: In the specification, page 6, line 11, "liquid 5" should be "liquid 4".

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to state that the solid wax contains solid status oil wax as defined in claim 1, lines 5-6.

Claim Objections

Claims 1-3 are objected to because of the following informalities: In claim 1, line 1, the numeral "1." is listed twice. In claim 1, line 4, "multiple color sources" should apparently be "multiple color light sources". In claim 1, line 11, "those light sources" should apparently be "the color light sources". In claim 3, line 3, "the light" should be "the light sources". In claim 3, line 3, "the heat sources" should be "the heat source". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 4-5, the phrase "multiple color sources in different colors on the peripheral of the heat source" is misdescriptive since the light sources are not actually on the heat source as suggested in this phrase. The light sources are spaced around the periphery of the heat

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source but are not on the periphery of the heat source. In claim 2, line 4, and claim 3, lines 3-4, the phrase "the cover is incorporated into the base" is misdescriptive since only a portion of the cover is received within the base and not the entire cover as suggested by this phrase.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent No. 3,570,156) in view of Lin (U.S. Patent No. 6,135,604) and Unger et al. (U.S. Patent No. 6,681,508).

Walker shows in figures 1-2 a decoration with visual effects comprised of a transparent cover (1) to define a closed space filled up with a transparent liquid (water, see column 2, lines 30-32) a base (8) provided at the bottom of the cover having at the center on its top disposed a heat source (11), a solid wax (13) containing solid status oil wax (see column 2, lines 35-37) in a specific weight slightly greater than that of the transparent liquid and settled down at the bottom in the cover in normal condition (see column 2, lines 46-50), and the solid wax (13) being cracked into multiple pieces suspending in the liquid (see column 1, lines 21-49 and column 2, lines 50-55, these lines suggest that the wax can break into more than one piece, i.e. at least one globule). Walker does not disclose attaching a plurality of different colored light sources to the decoration and whether the solid wax is light transmissive. Lin shows in figure 1 a decorative liquid display that includes a plurality of differently colored light sources (30) projecting light up

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into the liquid filled container (10). In view of the teachings of Lin it would have been obvious to one in the art to modify Walker by attaching a plurality of differently colored light sources about the periphery of the heat source since this would provide a more amusing and entertaining display as taught to be desirable by Lin, column 1, lines 15-19. Unger et al. shows in figure 1 a liquid filled container that includes first and second light transmitting liquids (22,26) therein. In view of the teachings of Unger et al. it would have been obvious to one in the art to modify Walker by making the wax light transmissive since this would create a more amusing and aesthetically pleasing display, i.e. light passing through the wax would create a more amusing and aesthetically pleasing effect as compared to an opaque wax. In regard to claim 2, Walker shows a recess (the area which receives the cover (1)) that receives the cover (1) and a flange (the sloped wall in which the lead line for numeral 2 is directed) is provided at the bottom of the cover to be inserted into the recess of the base for the cover to be incorporated into the base.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent No. 3,570,156) in view of Lin (U.S. Patent No. 6,135,604) and Unger et al. (U.S. Patent No. 6,681,508) as applied to claim 1 above and further in view of Kaviani (U.S. Patent No. 5,778,576).

Walker in view of Lin and Unger et al. disclose the applicant's basic inventive concept except for providing a recess in the cover which receives the light sources and the heat source. Walker shows in figure 2 that the cover includes a recess in the bottom but the recess does not receive the heat source and would not receive the light sources. Kaviani shows in figure 2 a liquid filled container which includes a cover having a recess which receives a heat source (38)

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therein. In view of the teachings of Kaviani it would have been obvious to one in the art to modify Walker by placing the heat source and light sources within the recess since this would allow the display to be made in a more compact manner and would create a more amusing and aesthetically pleasing display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Feb. 10, 2005